

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RIGOBERTO JOSE MORENO,
Plaintiff,
v.
OFFICER PENA, et al.,
Defendants.

Case No. 21-cv-00683-JCS
Also Filed in Case No. 20-cv-02082-WHO
**SUA SPONTE REFERRAL TO
DETERMINE WHETHER CASES ARE
RELATED**

As stated in a separate report and recommendation, the undersigned has concluded that Plaintiff Rigoberto Jose Moreno's claims in *Moreno v. Pena*, No. 21-cv-00683-JCS (N.D. Cal.), are barred by the judgment entered in *Moreno v. BrettKelly*, No. 20-cv-02082-WHO (N.D. Cal.) and therefore warrant dismissal under 28 U.S.C. 1915(e)(2)(B). This case, *Moreno v. Pena*, is therefore referred sua sponte to the Honorable William Orrick under Civil Local Rule 3-12(c) to determine whether it is related to *Moreno v. BrettKelly*.

If Judge Orrick determines that the cases are related, *Moreno v. Pena* will be reassigned to him for all purposes (including action on the recommendation for dismissal). If Judge Orrick determines that the cases are not related, *Moreno v. Pena* will be reassigned to a randomly selected district judge for all purposes (including action on the recommendation for dismissal) because not all parties have consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c). Moreno may file a statement supporting or opposing finding the cases related no later than May 14, 2021. See Civ. L.R. 3-12(c), 3-12(e), 7-11(b).

IT IS SO ORDERED.

Dated: May 10, 2021


JOSEPH C. SPERO
Chief Magistrate Judge